



KENTUCKY BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING May 20, 2010

Board Members Present: Peggy Block, PT, Chair
Ron Barbato, PT
Margaret Blain, PT
Charles Clark, PT
Janice Kuperstein, PT
Troy Grubb, PT
Virginia Johnson, Public Member

Board Staff: Rebecca E. Klusch, Executive Director

Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel
Brian Fingerson, RPh, IPTPC Program Administrator

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee, was called to order at 10:30 a.m., Wednesday, May 19, 2010, at Embassy Suites, Lexington. Motion was made by Troy Grubb to go into closed session per KRS 61.810(1) (c) and (j), seconded by Peggy Block. Motion carried. Motion was made by Peggy Block to come out of closed session, seconded by Troy Grubb. Motion carried. The committee meeting adjourned at 2:30 p.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Peggy Block, at 9:15 a.m., Thursday, May 20, 2010, at Health Services Building, University of Kentucky, Lexington. A quorum was present.

Motion was made by Janice Kuperstein, seconded by Virginia Johnson to approve the minutes as amended of the March 18, 2010, Board Meeting. Motion carried.

Complaint Committee

C2007-08 The Notice of Administrative Hearing and Order for a violation of KRS 327 has been filed. Respondent has not been in compliance with previous Settlement Agreement. Case is ongoing.

C2008-07 The Notice of Administrative Hearing and Order for a violation of KRS 327 has been filed. Case is ongoing.

C2009-24 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Mike Sullivan, D.C., and Beth Van Rooy, D.C., Book Chiropractic. The Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

BIC2009-25 A Notice of Administrative Hearing and Order has been filed. Case is ongoing.

BIC2009-87 Case is ongoing.

BIC2009-89 A Notice of Administrative Hearing and Order has been filed. An informal settlement conference has been scheduled for June 11. Case is ongoing.

BIC2009-94 Case is ongoing.

C2010-03 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to close case due to insufficient evidence of a violation of KRS 327. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-04 An Immediate Temporary Suspension and Order was approved and issued at the March Board meeting. The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Administrative Hearing and Order for violations of KRS 327. Settlement authority was given to Board Counsel. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-06 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Administrative Hearing and Order for violations of KRS 327. Settlement authority was given to Board Counsel. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-07 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to close case due to insufficient evidence of a violation of KRS 327. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-08 Case is ongoing.

C2010-09 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-10 a&b The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Chuck Clark recused himself and left the room during discussion. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-11 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and issue a Cease and Desist if warranted. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-12 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

A2010-13 A motion was made by Margaret Blain, seconded by Virginia Johnson, to have the Complaint Committee interview applicant and make a recommendation at the next Board meeting whether to grant an unconditional certificate. Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

A2010-14 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to grant a Certificate to the applicant upon receiving verifiable court records with approval by the Chair. Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-15 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Board approved the recommendation, seconded by Chuck Clark. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-16 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. Board approved the recommendation, Motion died for lack of a second. Janice Kuperstein made a motion, seconded by Margaret Blain, to open an investigation. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-17 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-18 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

Heart Desai, a foreign trained physical therapist endorsement candidate has met all requirements for licensure except for passing the required English proficiency exam and has asked the Board for a waiver to this regulation. The Board denied the request.

Brian Fingerson was introduced to the public and discussed the IPTPC and the Board reviewed with approval the IPTPC report.

Update on Monitoring Probations

Update on monitoring probations was given for the following: James Rick Roe, PT; Ron Cole, PT; Mary Beth Barcus, PT, Malton Schexneider, PT, Amy Farmer, PT and Lawrence Tatem, PT.

Board and Administrative Business

Task Force met on the "Use of Supportive Personnel." Good discussion and ideas were presented. The Task Force will continue dialogue.

201 KAR 22:020, 045 and 135 were explained to the audience and questions were answered. These regulations are scheduled to go before LRC on June 8, 2010.

A motion was made by Ron Barbato, seconded by Margaret Blain to terminate the Memorandum of Agreement between KBPT and Attorney General's office as of June 30, 2010, and return to the currently applicable hourly rates for legal services to be provided to the Board via Mark Brengelman from the Office of the Attorney General.

The Board has added an additional Continuing Education Course on *Let the Discussion Begin ... Changes to KRS 327* to be presented at the KPTA Summer Conference August 21 at Baptist Hospital Wellness Center in Louisville.

Other Board Matters

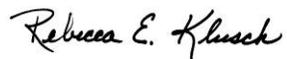
A motion was made by Peggy Block, seconded by Ron Barbato, to draft a motion to the FSBPT to eliminate the tally count of elections. Motion carried.

Board members reviewed and approved the lists of persons issued a license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

The Board reviewed the financial statement ending April 30, 2010.

A motion was made by Ron Barbato, seconded by Troy Grubb to adjourn the meeting at 3:30 p.m. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rebecca E. Klusch".

Rebecca E. Klusch
Executive Director